

### **REMARKS**

Claims 1 and 3-15 are pending in this application for the Examiner's review and consideration. Claim 2 has been canceled. Applicants appreciate the Examiner's statement that claims 1 and 3-15 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. To that end, claims 1, 4, 7, 10, and 15 were amended in response to the 35 U.S.C. § 112, second paragraph rejections in accordance with the Examiner's suggestions. Applicants note that these amendments do not narrow the claims, but rather merely clarify the claim language in accordance with the Examiner's suggestions. No new matter is added by these claim amendments so that their entry at this time is warranted.

#### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 1 and 3-15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Applicants respectfully submit that in consideration of the amendments to claims 1, 4, 7, 10 and 15, the rejection of claims 1 and 3-15 under 35 U.S.C. § 112, second paragraph is traversed in view of the following comments.

With regard to claim 1, the Examiner alleged that it is unclear how the elastic band[s] surround the sleeve of the closure member. The Examiner further noted that it is clear that elastic bands surround the sleeve at the center of the intersection of the elastic members. In response, claim 1 has been amended to more precisely recite that the elastically deformable elastic bands intersect each other at a center of intersection and that the elastic bands surround the sleeve of the closure member at said center of intersection. Support for this amendment can be found in the specification at Fig. 2 and page 6, lines 21-25.

With regard to claims 4, 5 and 6, the Examiner alleged that there is insufficient antecedent basis in claim 4 for the limitation "each pair of elastic bands" in claims 5 and 6. The Examiner suggested that claim 4 include the language "two juxtaposed elastic bands defining a pair of elastic bands." In response, claim 4 has been amended to state that the deformable elastic bands are attached in groups of two juxtaposed elastic bands "defining a pair of elastic bands." Support for this amendment can be found in the specification at Fig. 2 and page 6, lines 25-28. Applicants note that this amendment is not a narrowing of the claim, but rather a mere clarification of the claim language in accordance with the Examiner's suggestion.

With regard to claim 7, the Examiner alleged that it is unclear when the “twisting of the sleeve” occurs. The Examiner suggested that this language be eliminated from the claim. The Examiner also questioned whether the offset angle is appropriately 90°, and suggested that “preferably” be deleted to remove the ambiguity of the claim language. In response, Applicants have amended claim 7 to delete the language, “while twisting the sleeve axially, this angular offset being preferably approximately 90°” and recite that the first and second rings are angularly “offset at 90°.” Support for this amendment can be found in the specification at Fig. 6 and page 7, lines 24-32.

With regard to claim 10, the Examiner alleged that the elastic bands are again set forth in pairs, as in claim 5. In response, Applicants have amended claim 10 to recite that “the pairs of juxtaposed bands are distributed . . .” instead of “and juxtaposed and attached in pairs distributed . . .” Support for this amendment can be found in the specification at Fig. 2 and page 6, lines 25-28.

With regard to claim 15, the Examiner alleged that it is unclear how the sleeve is “closely around an object place within the container” given that the disclosure is that the sleeve is closely around an object while being placed within the container. In response, Applicants have amended claim 15 to recite that the elastically deformable elastic bands of said closure mechanism keep the sleeve closely around an object while being placed within the container. Support for this amendment can be found in the specification at page 8, lines 11-13.

Applicants respectfully submit that U.S. Patent Number 2,509,688 to Loosli, prior art made of record but not relied upon in this Office Action, appears to be non-analogous art, as it relates to a chuck for clamping an object between elastic members and not a closure device.

Applicants submit that the aforementioned amendments, which have been made in accordance with the Examiner’s suggestions, traverse the rejections under 35 U.S.C. § 112, second paragraph. For at least this reason, claims 1 and 3-15 particularly point out and distinctly claim the subject matter which the Applicants regard as the invention, and thus are in condition for allowance.

**CONCLUSION**

It is respectfully submitted that the remaining claim is now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicant respectfully requests a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

No fees are believed to be required for this submission. Should any fees be required, however, please charge those fees to Morgan, Lewis & Bacchius LLP deposit account no. 50-0310.

Respectfully submitted,

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By: 

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